

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. 09/731,581
Filing Date December 6, 2000
Inventorship Maymudes et al.
Applicant Microsoft Corp.
Group Art Unit 2179
Examiner Huynh
Attorney's Docket No. MS1-637us
Title: "Methods and Systems for Effecting Video Transitions Represented By Bitmaps"

APPEAL BRIEF

To: Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

From: Rich Bucher (Tel. 509-324-9256x216; Fax 509-323-8979)
Customer No. 22801

Pursuant to 37 C.F.R. §41.37, Applicant hereby submits an appeal brief for application 09/731,581, filed December 6, 2000, within the requisite time from the date of filing the Notice of Appeal. Accordingly, Applicant appeals to the Board of Patent Appeals and Interferences seeking review of the Examiner's rejections.

<u>Appeal Brief Items</u>	<u>Page</u>
(1) Real Party in Interest	3
(2) Related Appeals and Interferences	3
(3) Status of Claims	3
(4) Status of Amendments	3
(5) Summary of Claimed Subject Matter	4
(6) Grounds of Rejection to be Reviewed on Appeal	9
(7) Argument	9
(8) Appendix of Appealed Claims	49
(9) Evidence appendix	62
(10) Related Proceedings appendix	63

(1) Real Party in Interest

The real party in interest is Microsoft Corporation, the assignee of all right, title and interest in and to the subject invention.

(2) Related Appeals and Interferences

Appellant is not aware of any other appeals, interferences, or judicial proceedings which will directly affect, be directly affected by, or otherwise have a bearing on the Board's decision to this pending appeal.

(3) Status of Claims

Claims 1-25 and 27-51 stand rejected and are pending in the Application. Claims 1-25 and 27-51 are set forth in the Appendix of Appealed Claims on page 49.

(4) Status of Amendments

A first Office Action was mailed August 28, 2003.

A Response was filed December 18, 2003. Claims 1, 4, 8, 21, 27, 28-30, 39 and 47 were amended. Claim 26 was cancelled and claims 49-51 were added.

A non-final Office Action was mailed March 5, 2004.

A Response was filed on June 7, 2004. No claims were amended.

A Final Office Action was mailed December 30, 2004.

A Response and RCE were filed on March 28, 2005. Claims 1, 12, 23, 27, 28, 30, 39 and 49 were amended.

A non-final Office Action was mailed April 19, 2005.

A Response was filed on July 18, 2005. No claims were amended.

A non-final Office Action was mailed October 5, 2005.

A Response was filed on January 12, 2006. Claims 1, 12, 23, 27, 28, 30, 39 and 49 were amended.

A Final Office Action was mailed March 24, 2006.

A Notice of Appeal was filed on May 10, 2006.

(5) Summary of Claimed Subject Matter

A concise explanation of each of the independent claims is included in this Summary section, including specific reference characters, if any. These specific reference characters are examples of particular elements of the drawings for certain embodiments of the claimed subject matter and the claims are not limited to solely the elements corresponding to these reference characters.

With regard to claim 1, a software-implemented video rendering system comprising: a video application configured to enable a user to combine multiple different video clips (Page 4, lines 6-9; Page 15, lines 16-23; Fig. 3 (216)) and a bitmap processor operatively coupled with the video application (Page 54, lines 7-13; Fig. 43 (4300)) and configured to receive a first bitmap having a structure that can be used to render a first transition between video clips (Page 54, line 7 through Page 55, line 7; Fig. 43 (Old Bitmap)) and automatically process the first bitmap to provide a different structure that provides a different transition between video clips (Page 54, line 7 through Page 55, line 7; Fig. 43 (New Bitmap)) wherein the first bitmap does not comprise video clip content (Page 51, line 18 through Page 52, line 2; Fig. 40 (4000)), and wherein the transitions are configured to enable

one video clip to completely replace another video clip (Page 53, lines 3-10; Fig. 41 (4104 and 4106)).

With regard to claim 12, a method of displaying a video comprising: selecting a bitmap having a structure that defines a first transition that can be used to transition between video clips (Page 54, line 7 through Page 55, line 7; Fig. 43 (Old Bitmap)); operating upon the bitmap to provide a second structure that provides a second transition that is different from the first transition (Page 54, line 7 through Page 55, line 7; Fig. 43 (New Bitmap)) by using one or more parameters that are provided by a user, the parameters being used to operate upon the bitmap (Page 55, lines 8-24); Fig. 43 (4302-4308)); and effecting the second transition between video clips, wherein said effecting comprises completely replacing one video clip with another video clip (Page 53, lines 3-10; Fig. 41 (4104 and 4106)).

With regard to claim 23, a method of displaying a multi-media editing project comprising: receiving one or more parameters (Fig. 43 (4302-4308)) from a user, the parameters being associated with a multi-media editing project and relating to a transition that can be applied between two video clips in the project (Page 55, lines 15-16; Page 56, lines 12-14; Page 57, lines 22-23; Page 58, lines 11-12; Fig. 47. (4700)); selecting a bitmap having a structure that defines a first transition that can be used to transition between the video clips (Page 54, line 7 through Page 55, line 7; Fig. 43 (Old Bitmap)); operating upon the bitmap to provide a different structure that defines a second transition that is different from the first transition by using the one or more parameters (Page 54, line 7 through Page 55, line 7; Fig. 43 (New Bitmap)); and effecting the second transition

between video clips, wherein said effecting comprises completely replacing one video clip with another video clip (Page 53, lines 3-10; Fig. 41 (4104 and 4106)).

With regard to claim 27, one or more computer-readable media having computer-readable instructions thereon which, when executed by a computer, cause the computer to: select a first bitmap having a structure that defines a transition that can be applied between two video clips in a video editing project (Page 54, line 7 through Page 55, line 7; Fig. 43 (Old Bitmap)); operate upon the first bitmap to provide a second bitmap having a second structure that is different from the structure of the first bitmap by using one or more parameters that are provided by a user, the first bitmap being operated upon by operations comprising one or more of the following operations: stretching, shrinking, replicating, and offsetting (Page 54, line 7 through Page 55, line 7; Fig. 43 (New Bitmap, 4302-4306)); and use the second bitmap in a transition between at least two videos, wherein said transition completely replaces one video with another video (Page 53, lines 3-10; Fig. 41 (4104 and 4106)).

With regard to claim 28, a software-implemented method of displaying a multi-media editing project comprising: providing a user interface (UI) (Page 28, lines 22-24; Fig. 9 (908)); through which a user can enter one or more parameters (Fig. 43 (4302-4308)) that can be used to manipulate a bitmap-defined transition (Page 55, lines 15-16; Page 56, lines 12-14; Page 57, lines 22-23); receiving one or more parameters that are entered by a user via the UI (Page 55, lines 15-16; Page 56, lines 12-14; Page 57, lines 22-23; Page 58, lines 11-12; Fig. 47. (4700)); selecting a first bitmap having a structure that defines a transition and is associated with the one or more parameters entered by the user (Page 55, lines 12-13; Fig. 44

(4400); Page 58, lines 13-15, fig. 47. (4702)); automatically operating upon the first bitmap (Page 58, lines 13-15, Fig. 47. (4702)) to provide a second bitmap having a different structure (Page 54, lines 15-16; Fig. 43 (New Bitmap)) that defines a transition that is different from the transition defined by the first bitmap by using the one or more parameters that are provided by a user, said operating comprising performing one or more of the following operations on the first bitmap: stretching, shrinking, replicating, and offsetting (Page 55, lines 15-18; Fig. (4402); Page 58, lines 13-17, Fig. 47. (4702)); and using the second bitmap in a transition between at least two videos, wherein said transition completely replaces one video with another video (Page 53, lines 3-10; Fig. 41 (4104 and 4106); Page 55, lines 23-24).

With regard to claim 30, a multi-media project editing system comprising: a software implemented bitmap processor configured for use in connection with a multi-media editing application to effect a transition between different videos (Page 54, lines 7-13; Fig. 43 (4300)), the bitmap processor being configured to: receive one or more parameters from a user (Page 55, lines 15-16; Page 56, lines 12-14; Page 57, lines 22-23; Page 58, lines 11-12; Fig. 47. (4700)); select a first bitmap having a structure that defines a first transition between two videos (Page 58, lines 13-15, fig. 47. (4702)); operate upon the first bitmap in accordance with the one or more parameters (Page 58, lines 13-15, Fig. 47. (4702)) to provide a different structure that defines a second transition that is different from the first transition (Page 55, lines 15-18; Fig. (4402); Page 58, lines 13-17, Fig. 47. (4702)); and apply the second transition between two videos, wherein said second

transition completely replaces one video with another video (Page 53, lines 3-10; Fig. 41 (4104 and 4106); Page 55, lines 23-24).

With regard to claim 39, a multi-media editing project comprising: selecting a first bitmap having a structure comprising multiple pixels, each pixel being capable of having one of a number of predetermined of gray scale values, the first bitmap defining a transition between two videos in a multi-media editing project (Page 51, line 18 through Page 52, line 10; Fig. 40 (4000); Page 55, lines 12-13; Fig. 44 (4400); Page 58, lines 13-15, fig. 47. (4702)); operating upon the selected first bitmap to provide a second bitmap having a second structure that is different from the first bitmap by using one or more parameters (Fig. 43 (4302-4308)) that are provided by a user, the second bit map defining a different transition (Page 52, line 18 through Page 53, line 10; Page 55, lines 15-18; Fig. (4402); Page 58, lines 13-17, Fig. 47. (4702)); rescaling the second bitmap to ensure that pixels of the second bit map have, collectively, all of the predetermined gray scale values (Page 58, lines 6-20; Fig. 46 (4602)); and using the second bitmap in a transition between at least two videos, wherein said transition completely replaces one video with another video (Page 53, lines 3-10; Fig. 41 (4104 and 4106); Page 55, lines 23-24).

With regard to claim 49, a method of displaying a multi-media editing project comprising: receiving one or more parameters (Fig. 43 (4302-4308)) from a user, the parameters being associated with a multi-media editing project and relating to a transition that can be applied between two video clips in the project (Page 55, lines 15-16; Page 56, lines 12-14; Page 57, lines 22-23; Page 58, lines 11-12; Fig. 47. (4700)); selecting a bitmap having a structure that defines a first

transition that can be used to transition between the video clips; selecting a first bitmap having a structure that defines a transition and is associated with the one or more parameters entered by the user (Page 55, lines 12-13; Fig. 44 (4400); Page 58, lines 13-15, Fig. 47. (4702)); operating upon the bitmap to provide a different structure defining a second transition that is different from the first transition by using the one or more parameters (Page 52, line 18 through Page 53, line 10; Page 55, lines 15-18; Fig. (4402); Page 58, lines 13-17, Fig. 47. (4702)); and effecting the second transition between video clips (Page 53, lines 3-10; Fig. 41 (4104 and 4106)); wherein said receiving comprises receiving parameters that define a range that, in turn, defines a border thickness of a border that is used in connection with the first-mentioned bitmap to effect the second transition, wherein said second transition completely replaces one video with another video (Page 55, lines 2-18; Fig. 43 (408); Fig. 44 (4400); Page 58, line 22 through Page 59, line 22; Fig. 49 (4900-4908)).

(6) Grounds of Rejection to be Reviewed on Appeal

Claims 1-25 and 27-31 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,668,639 to Martin (hereinafter “Martin”).

Claims 1-25 and 27-31 stand rejected, alternatively, under 35 U.S.C. § 103(a) as being obvious over Martin in view of U.S. Patent No. 5,754,180 to Kivolowitz, et al. (hereinafter “Kivolowitz”).

(7) Argument

A. The rejections under 35 U.S.C. § 102(b) fail to establish that Martin anticipates the claims against which it is cited.

Applicant respectfully submits that the Office has not established that the claims rejected under 35 U.S.C. § 102(b) are anticipated by Martin. The discussion below proceeds as follows. First, a section entitled “The § 102 Standard” is provided which describes the standard by which claim anticipation is established. Following this, a section entitled “The Martin Reference” is provided which describes salient aspects of Martin’s disclosure. Finally, a section entitled “The Claims” is provided which presents Applicant’s reasoning as to why the Office has not established that Martin anticipates the rejected claims.

The § 102 Standard

Applicant notes the requirements of MPEP § 2131, which states that “[to anticipate a claim, the reference must teach every element of the claim].” This section further states that:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).... “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Accordingly, the reference must contain, within its four corners, exactly the subject matter of the claim, as it appears in the claim, in order to support a valid finding of anticipation. The absence from a cited § 102 reference of *any* claimed element negates a finding of anticipation. See, e.g., Kloster Speedsteel AB, et al. v. Crucible, Inc., et al., 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986).

The Martin Reference

Martin describes a system for reducing the process required for editing video and films by providing layering of editing procedures, grouping of editing procedures, multiple viewing of the editing procedures, and image interpolation in time over image sequences.

The system in Martin is a software-based system which provides a means for a user to selectively eliminate or move portions of video and/or audio data between frames. The data for each frame is formed into a vertical stack of clips for each frame of video data. Clips can include: source clips, effect clips, and group clips. Each clip is positioned in the stack in a hierarchy from background to foreground at the relative time of occurrence of the associated frame. Stacks are displayed on a video display which allows a user, controlling a cursor, to select video clips, move the clips to another stack, and rearrange the clips among the stacks to achieve a desired effect. Audio data can also be selected and moved among stacks.

Accordingly, Martin describes a means by which a user can manually edit video data through a user interface associated with a software-based system.

The Claims

Claim 1

Claim 1 recites a software-implemented video rendering system comprising:

- a video application configured to enable a user to combine multiple different video clips; and
- a bitmap processor operatively coupled with the video application and configured to receive a first bitmap having a structure that can be used to render a first transition between video clips and automatically process the first bitmap to provide a different structure that provides a different transition between video clips, wherein the first bitmap does not comprise video clip content, and wherein the transitions are configured to enable one video clip to completely replace another video clip.

In making out the rejection of this claim, the Office argues that Martin anticipates the subject matter of this claim. Specifically, the Office cites various excerpts from Columns 3-6 of Martin – specifically relying on the “effect clip” and “transition effects” discussed therein. In this regard, the Office states: “the effect clip is a bitmap that has scale and pixel values that can be used to “render” and “automatically process the first bitmap to provide a different structure that provides a different transition between video clips”, as claimed. The Office then argues: “the transition icon does not comprise video clip content”. Unfortunately, however, the Office offers no guidance as to where a “transition icon” is disclosed. Instead, the Office merely indicates that a “wipe effect” is a transition effect configured to enable one video clip to completely replace another video clip.

Applicant traverses the Office’s rejection and respectfully submits that the Office has mischaracterized the Martin reference. First, Applicant notes that Martin simply does not discuss or even mention a “bitmap processor” or even a “bitmap”. In this regard, the Office cites excerpts from Columns 5 (pages 13-19) and 7 (lines 1-43) to support its argument that bitmap processors are “inherently included in the teachings of special effects processing”. Applicant disagrees and

respectfully submits that these excerpts simply fail to substantiate the Office's argument. For the Office's convenience, these excerpts are reproduced below:

Special Effects

Originate images

Distortion of image

Movement

Generator and editor of sounds

Rotoscopia, graphics palette and photographic touch-up

The hardware requirements for providing the editing methodology of the present invention can be provided in many different configurations. FIGS. 5 and 6 illustrate two such configurations. Each include a video tape recorder (VTR) 50 for storing the video images to be edited, in this example. The VTR 50 may also provide images that have been transferred from film to the VTR 50 through use of known film to video equipment. The VTR 50 may also be provided in the alternative by any other source of video images, such as a CD ROM, a floppy disk memory system, a hard drive memory system, direct film-to-video conversion equipment, and so forth. In one configuration the VTR 50 was provided by a Hewlett Packard.RTM. model HP 4:2:2 Video Disk Recorder. The output of the VTR 50 is provided as an input to a real time display (RTD) 52 as serial digital or composite video data. The RTD 52 drives a video monitor 54 for viewing associated video images. The RTD 52 is connected via a small computer system interfaces (SCSI) 56 to a microprocessor or desktop workstation 58. In this example, workstation 58 is either an Indy.TM. Indigo 2.TM., manufactured by Silicon Graphics Computer Systems. Also, the RTD 52 is connected via SCSI 56 to 9 GB Drives 60. The drives 60 store necessary computer programs for operating the hardware configuration to provide the method of the invention. Also, an RGB connection is made from microprocessor 58 to a computer display 62. The computer display 62 provides a presentation of the image formats, multimedia utilities (icons, for example), menus, directories, subdirectories, visual operating formats, and so forth, accessible to a user via the microprocessor 58. The hardware configuration of FIG. 6 is substantially the same of that of FIG. 5, except that the external hard disk drives 60 are provided by 2-4 GB disk drives internal to the microprocessor 64, as shown.

The system and operating scheme for the present invention is presently known commercially as "Jaleo Composite". The system is described in

detail in "Jaleo Composite Reference Manual", (Preliminary Edition), of CHYRON Corporation, Melville, N.Y., dated December, 1994, under Publ. No. 2A01879. Note that the Manual is also associated with Comunicacion Integral, Madrid Spain. The teachings of this Manual are incorporated herein by reference in entirety. A copy of this Manual is included herewith in an Appendix to the file hereto.

Second, the Office's reliance on the "effect clip" of Martin is misplaced. Specifically, as noted above, Martin does not even mention the term "bitmap" and thus the effect clip in Martin could not possibly be "a first bitmap having a structure that can be used to render a first transition between video clips", as claimed. Furthermore, Applicant is unable to find the term, "transition icon" anywhere in the Martin reference. Accordingly, the Office's argument is simply without basis.

Additionally, even if the effect clip were a bitmap, which it is not, Column 6 (lines 55-62) does not disclose to "***automatically process*** the first bitmap to provide a ***different structure*** that provides a different transition between video clips", as claimed. (emphasis added). Instead, this excerpt merely discusses various effects that are included in one embodiment and indicates that raw clips can be incorporated into other clips for providing particular effects. The Office, without support, appears to equate these "raw clips" and "other clips" with effect clips. Applicant respectfully disagrees and submits these clips appear to be the "underlying video clips" expressly mentioned on line 54. Nevertheless, even if these clips were effect clips, which Applicant submits they are not, there is no mention of ***automatically*** processing "to provide a ***different structure***", as claimed. In fact, in so far as Martin provides a system for allowing a user to ***manually*** edit clips (see e.g. Abstract, Column 4, line 34, Column 5, lines 22-23,

30, 34, 47-48, etc.), it teaches directly away from automatically processing, as claimed.

In summary, Martin is concerned with subject matter very different from that recited in this claim. Specifically, as noted above, Martin merely teaches a system which provides a means for a user to *manually* eliminate or move portions of video and/or audio data between frames. It simply fails to even mention a “bitmap processor”, “bitmap”, or automatically processing “to provide a *different structure*”, as claimed. Furthermore, the Office has failed to substantiate its claim that the claimed subject matter is inherently included in Martin’s teachings.

Applicant respectfully reminds the Office that, as noted above, “[a] claim is anticipated only if each and every element as set forth in the claim is found”. Here, the Office’s rejection simply does not meet this standard. Accordingly, for at least this reason, this claim is allowable.

Claims 2-11

Claims 2-11 depend from claim 1 and are thus allowable as depending from an allowable base claim.

In addition, regarding claim 5, the Office argues: “the Effect bitmap can be replicated (4:33-34, 6:59-62).” These excerpts, however, make no mention of “an Effect bitmap” or of “replicating”. Accordingly, the Office’s reliance on these excerpts is misplaced.

In addition, regarding claim 6, the Office argues: “[o]ffsetting is inherently included in the teaching of spatial transformation (4:41-43), distortion and movement (5:16-17).” Applicant disagrees and submits that the Office has not

substantiated this argument. Accordingly, the Office's reliance on these excerpts is misplaced.

In addition, regarding claim 7, the Office argues: "[t]he system inherently includes means configured to provide a border ("edge") in a transition defined by the special transformation and distortion". Applicant disagrees and submits that the Office has not substantiated this argument. Accordingly, the Office's reliance on Martin is misplaced.

In addition, regarding claim 8, for the reasons set forth above with respect to claims 1 and 5-7, the Office's reliance on Martin is misplaced.

In addition, regarding claims 9 and 10, the Office argues: "[t]he system is configured to receive parameter(s) provided by the user to process the bitmap. The parameter(s) can be used to change the structure of the bitmap (4:41-58, 6:55-62)". Applicant disagrees and submits that the Office has mischaracterized the Martin reference. Specifically, the cited excerpts merely discuss effects that can be implemented with respect to the *video/audio clip content itself* and not parameters provided by a user and received by a bitmap processor which uses them "to process the first bitmap" or "change the structure of the first bitmap", as claimed. Accordingly, the Office's reliance on these excerpts is misplaced.

Claim 12

Claim 12 recites a method of displaying a video comprising:

- selecting a bitmap having a structure that defines a first transition that can be used to transition between video clips;
- operating upon the bitmap to provide a second structure that provides a second transition that is different from the first transition

- by using one or more parameters that are provided by a user, the parameters being used to operate upon the bitmap; and
- effecting the second transition between video clips, wherein said effecting comprises completely replacing one video clip with another video clip.

In making out the rejection of this claim, the Office relies on the same argument that it made in rejecting claim 1. However, Applicant is confused as to how that argument applies to this claim because this claim and claim 1 do not expressly recite the same subject matter. For instance, this claim recites “selecting a bitmap” and “operating upon the bitmap”, as claimed, “by using one or more parameters that are provided by a user, the parameters being used to operate upon the bitmap”. As such, Applicant respectfully submits that the Office’s rejection is incomplete and unclear as required by CFR § 1.104. Applicant further reminds the Office that “[a] plurality of claims should never be grouped together in a common rejection, unless the rejection is equally applicable to all claims in the group.” (MPEP 707(d)). Here, the rejection is improper because it is not applicable to this claim.

Nevertheless, Applicant has thoroughly scrutinized the Martin reference and submits that it simply fails to disclose or suggest all of the subject matter of this claim. For example, Martin does not mention “selecting a bitmap having a structure that defines a first transition” and “operating on the bitmap to provide a second structure that provides a second transition that is different from the first transition”, as claimed. Furthermore, and also noted above, Martin discusses effects that can be implemented with respect to the *video/audio clip content itself*, not “using one or more parameters” as recited in this claim.

Martin does not disclose or suggest all the subject matter of this claim. Furthermore, the Office has made an improper rejection. Accordingly, for at least these reasons, Applicant traverses this rejection and submits that this claim is allowable.

Claims 13-22

Claims 13-22 depend from claim 12 and are thus allowable as depending from an allowable base claim.

In addition, regarding claim 17, the Office argues: “the Effect bitmap can be replicated (4:33-34, 6:59-62).” These excerpts, however, make no mention of “an Effect bitmap” or of “replicating”. Accordingly, the Office’s reliance on these excerpts is misplaced.

In addition, regarding claim 18, the Office argues: “[o]ffsetting is inherently included in the teaching of spatial transformation (4:41-43), distortion and movement (5:16-17).” Applicant disagrees and submits that the Office has not substantiated this argument. Accordingly, the Office’s reliance on these excerpts is misplaced.

In addition, regarding claim 19, the Office argues: “[t]he system inherently includes means configured to provide a border (“edge”) in a transition defined by the special transformation and distortion”. Applicant disagrees and submits that the Office has not substantiated this argument. Accordingly, the Office’s reliance on Martin is misplaced.

In addition, regarding claim 20, for the reasons set forth above with respect to claims 12 and 17-19, the Office’s reliance on Martin is misplaced.

Claim 23

Claim 23 recites a method of displaying a multi-media editing project comprising:

- receiving one or more parameters from a user, the parameters being associated with a multi-media editing project and relating to a transition that can be applied between two video clips in the project;
- selecting a bitmap having a structure that defines a first transition that can be used to transition between the video clips;
- operating upon the bitmap to provide a different structure that defines a second transition that is different from the first transition by using the one or more parameters; and
- effecting the second transition between video clips, wherein said effecting comprises completely replacing one video clip with another video clip.

In making out the rejection of this claim, the Office relies on the same argument that it made in rejecting claim 1. However, Applicant is confused as to how that argument applies to this claim because this claim and claim 1 do not expressly recite the same subject matter. For instance, this claim recites “receiving one or more parameters from a user” and “operating upon the bitmap”, as claimed, “by using the one or more parameters”. As noted above, this type of common rejection is improper.

Nevertheless, Applicant has thoroughly scrutinized the Martin reference and submits that it simply fails to disclose or suggest all of the subject matter of this claim. For example, Martin does not mention “selecting a bitmap having a structure that defines a first transition” and “operating upon the bitmap to provide a different structure that defines a second transition that is different from the first

transition”, as claimed. Also, as noted above, Martin discusses using effects that can be implemented with respect to the *video/audio clip content itself*, not “receiving one or more parameters” and “using the one or more parameters”, as recited in this claim.

Martin does not disclose or suggest all the subject matter of this claim. Furthermore, the Office has made an improper rejection. Accordingly, for at least these reasons, Applicant traverses this rejection and submits that this claim is allowable.

Claims 24 and 25

Claims 24 and 25 depend from claim 23 and are thus allowable as depending from an allowable base claim.

In addition, regarding claim 25, the Office argues:

(1) “the Effect bitmap can be replicated (4:33-34, 6:59-62).” These excerpts, however, make no mention of “an Effect bitmap” or of “replicating”.

(2) “[o]ffsetting is inherently included in the teaching of spatial transformation (4:41-43), distortion and movement (5:16-17).” Applicant disagrees and submits that the Office has not substantiated this argument.

(3) “[t]he system inherently includes means configured to provide a border (“edge”) in a transition defined by the special transformation and distortion”. Applicant disagrees and submits that the Office has not substantiated this argument.

Accordingly, the Office’s reliance on Martin is misplaced.

Claim 27

Claim 27 recites one or more computer-readable media having computer-readable instructions thereon which, when executed by a computer, cause the computer to:

- select a first bitmap having a structure that defines a transition that can be applied between two video clips in a video editing project;
- operate upon the first bitmap to provide a second bitmap having a second structure that is different from the structure of the first bitmap by using one or more parameters that are provided by a user, the first bitmap being operated upon by operations comprising one or more of the following operations: stretching, shrinking, replicating, and offsetting; and
- use the second bitmap in a transition between at least two videos, wherein said transition completely replaces one video with another video.

In making out the rejection of this claim, the Office relies on the same argument that it made in rejecting claim 1. However, Applicant is confused as to how that argument applies to this claim because this claim and claim 1 do not expressly recite the same subject matter. For instance, this claim recites to “select a first bitmap”, “operate upon the first bitmap to provide a second bitmap having a second structure”, as claimed, “by using one or more parameters that are provided by a user, the first bitmap being operated upon by operations comprising one or more of the following operations: stretching, shrinking, replicating, and offsetting”. As noted above, this type of common rejection is improper.

Nevertheless, Applicant has thoroughly scrutinized the Martin reference and submits that it simply fails to disclose or suggest all of the subject matter of this claim. For example, Martin does not mention to “select a first bitmap having

a structure that defines a transition” and to “operate upon the first bitmap to provide a second bitmap having a second structure that is different from the structure of the first bitmap”, as claimed. Furthermore, and also noted above, Martin discusses effects that can be implemented with respect to the *video/audio clip content itself*, not “using one or more parameters” as recited in this claim.

Additionally, as discussed above, the Office’s reliance on Martin is misplaced with regard to “replicating” and “offsetting”, as claimed. Specifically, Martin does not discuss “replicating” and the Office has no basis for stating: “[o]ffsetting is inherently included in the teaching of spatial transformation (4:41-43), distortion and movement (5:16-17).”

Martin does not disclose or suggest all the subject matter of this claim. Furthermore, the Office has made an improper rejection. Accordingly, for at least these reasons, Applicant traverses this rejection and submits that this claim is allowable.

Claim 28

Claim 28 recites a software-implemented method of displaying a multimedia editing project comprising:

- providing a user interface (UI) through which a user can enter one or more parameters that can be used to manipulate a bitmap-defined transition;
- receiving one or more parameters that are entered by a user via the UI;
- selecting a first bitmap having a structure that defines a transition and is associated with the one or more parameters entered by the user;
- automatically operating upon the first bitmap to provide a second bitmap having a different structure that defines a transition that is

- different from the transition defined by the first bitmap by using the one or more parameters that are provided by a user, said operating comprising performing one or more of the following operations on the first bitmap: stretching, shrinking, replicating, and offsetting; and
- using the second bitmap in a transition between at least two videos, wherein said transition completely replaces one video with another video.

In making out the rejection of this claim, the Office relies on the same argument that it made in rejecting claim 1. However, Applicant is confused as to how that argument applies to this claim because this claim and claim 1 do not expressly recite the same subject matter. For instance, this claim recites “providing a user interface (UI) through which a user can enter one or more parameters that can be used to manipulate a bitmap-defined transition”, “receiving one or more parameters”, and “automatically operating upon the first bitmap”, as claimed, “by using the one or more parameters that are provided by a user, said operating comprising performing one or more of the following operations on the first bitmap: stretching, shrinking, replicating, and offsetting”. As noted above, this type of common rejection is improper.

Nevertheless, Applicant has thoroughly scrutinized the Martin reference and submits that it simply fails to disclose or suggest all of the subject matter of this claim. For example, Martin does not mention “selecting a first bitmap”, “automatically operating upon the first bitmap to provide a second bitmap”, or “using the second bitmap in a transition”, as claimed. Furthermore, and also noted above, Martin discusses effects that can be implemented with respect to the *video/audio clip content itself*, not “using the one or more parameters” as recited in this claim. As such, Martin could not possibly disclose a “user interface (UI)

through which a user can enter one or more parameters that can be used to manipulate a bitmap-defined transition”.

In addition, and as noted above with respect to claim 1, even if the effect clip Martin were a bitmap, which it is not, Martin simply does not disclose “automatically operating” so as “to provide a second bitmap having a different structure”, as claimed. In fact, in so far as Martin provides a system for allowing a user to *manually* edit clips it teaches directly away from “automatically operating”, as claimed.

Finally, as discussed above, the Office’s reliance on Martin is misplaced with regard to “replicating” and “offsetting”, as claimed. Specifically, Martin does not discuss “replicating” and the Office has no basis for stating: “[o]ffsetting is inherently included in the teaching of spatial transformation (4:41-43), distortion and movement (5:16-17).”

Martin does not disclose or suggest all the subject matter of this claim. Furthermore, the Office has made an improper rejection. Accordingly, for at least these reasons, Applicant traverses this rejection and submits that this claim is allowable.

Claim 29

Claim 29 depends from claim 28 and is thus allowable as depending from an allowable base claim.

Claim 30

Claim 30 recites a multi-media project editing system comprising:

- a software implemented bitmap processor configured for use in connection with a multi-media editing application to effect a transition between different videos, the bitmap processor being configured to:
 - receive one or more parameters from a user;
 - select a first bitmap having a structure that defines a first transition between two videos;
 - operate upon the first bitmap in accordance with the one or more parameters to provide a different structure that defines a second transition that is different from the first transition; and
 - apply the second transition between two videos, wherein said second transition completely replaces one video with another video.

In making out the rejection of this claim, the Office relies on the same argument that it made in rejecting claim 1. However, Applicant is confused as to how that argument applies to this claim because this claim and claim 1 do not expressly recite the same subject matter. For instance, this claim recites to “receive one or more parameters from a user”, “select a first bitmap” and “operate upon the first bitmap in accordance with the one or more parameters to provide a different structure”, as claimed. As noted above, this type of common rejection is improper.

Nevertheless, Applicant has thoroughly scrutinized the Martin reference and submits that it simply fails to disclose or suggest all of the subject matter of this claim. For example, Martin does not mention to “select a first bitmap” and operate on it “to provide a different structure that defines a second transition that is different from the first transition”, as claimed. Furthermore, and also noted above, Martin discusses using effects that can be implemented with respect to the *video/audio clip content itself*, not to “receive one or more parameters” and

operate upon the first bitmap “in accordance with the one or more parameters” as claimed.

Martin does not disclose or suggest all the subject matter of this claim. Furthermore, the Office has made an improper rejection. Accordingly, for at least these reasons, Applicant traverses this rejection and submits that this claim is allowable.

Claims 31-38

Claims 31-38 depend from claim 30 and are thus allowable as depending from an allowable base claim.

In addition, regarding claim 32, the Office argues: “[i]n spatial transformation and image distortion, the second bitmap is scaled to contain a smaller number of grayscale values”. However, the Office fails to cite any excerpt or figure of Martin to support this argument. Applicant respectfully submits that this is an improperly expressed omnibus rejection because it is stereotyped and not informative. (see MPEP 707.07(d)). Nevertheless, Applicant has thoroughly reviewed the Martin reference and respectfully submits that the subject matter of this claim is not disclosed or suggested in Martin.

In addition, regarding claim 36, the Office argues: “the Effect bitmap can be replicated (4:33-34, 6:59-62).” These excerpts, however, make no mention of “an Effect bitmap” or of “replicating”. Accordingly, the Office’s reliance on these excerpts is misplaced.

In addition, regarding claim 37, the Office argues: “[o]ffsetting is inherently included in the teaching of spatial transformation (4:41-43), distortion

and movement (5:16-17).” Applicant disagrees and submits that the Office has not substantiated this argument. Accordingly, the Office’s reliance on these excerpts is misplaced.

In addition, regarding claim 38, the Office argues: “[t]he system inherently includes means configured to provide a border (“edge”) in a transition defined by the special transformation and distortion”. Applicant disagrees and submits that the Office has not substantiated this argument. Accordingly, the Office’s reliance on Martin is misplaced.

Claim 39

Claim 39 recites a method of displaying a multi-media editing project comprising:

- selecting a first bitmap having a structure comprising multiple pixels, each pixel being capable of having one of a number of predetermined of gray scale values, the first bitmap defining a transition between two videos in a multi-media editing project;
- operating upon the selected first bitmap to provide a second bitmap having a second structure that is different from the first bitmap by using one or more parameters that are provided by a user, the second bit map defining a different transition;
- rescaling the second bitmap to ensure that pixels of the second bit map have, collectively, all of the predetermined gray scale values; and
- using the second bitmap in a transition between at least two videos, wherein said transition completely replaces one video with another video.

In making out the rejection of this claim, the Office relies on the same argument that it made in rejecting claim 1. However, Applicant is confused as to

how that argument applies to this claim because this claim and claim 1 do not expressly recite the same subject matter. For instance, this claim recites to “selecting a first bitmap having a structure comprising multiple pixels, each pixel being capable of having one of a number of predetermined of gray scale values”, operating on the bitmap to provide a second bitmap “by using one or more parameters that are provided by a user”, and “rescaling the second bitmap to ensure that pixels of the second bit map have, collectively, all of the predetermined gray scale values”. As noted above, this type of common rejection is improper.

Nevertheless, Applicant has thoroughly scrutinized the Martin reference and submits that it simply fails to disclose or suggest all of the subject matter of this claim. For example, as noted above, Martin does not mention to “select a first bitmap” and to operate on it “to provide a second bitmap having a second structure that is different from the first bitmap”, as claimed. Furthermore, and also noted above, Martin discusses using effects that can be implemented with respect to the *video/audio clip content itself*, not “using one or more parameters”, as claimed. Finally, there is simply no mention in Martin of “rescaling”, as claimed.

Martin does not disclose or suggest all the subject matter of this claim. Furthermore, the Office has made an improper rejection. Accordingly, for at least these reasons, Applicant traverses this rejection and submits that this claim is allowable.

Claims 40-48

Claims 40-48 depend from claim 39 and are thus allowable as depending from an allowable base claim.

In addition, regarding claim 40, the Office argues: “[t]he system is configured to receive parameter(s) provided by the user to process the bitmap. The parameter(s) can be used to change the structure of the bitmap (4:41-58, 6:55-62)”. Applicant disagrees and submits that the Office has mischaracterized the Martin reference. Specifically, the cited excerpts merely discuss effects that can be implemented with respect to the *video/audio clip content itself* and not parameters provided by a user and received by a bitmap processor which uses them “to process the first bitmap” or “change the structure of the first bitmap”, as claimed. Accordingly, the Office’s reliance on these excerpts is misplaced.

In addition, regarding claim 44, the Office argues: “the Effect bitmap can be replicated (4:33-34, 6:59-62).” These excerpts, however, make no mention of “an Effect bitmap” or of “replicating”. Accordingly, the Office’s reliance on these excerpts is misplaced.

In addition, regarding claim 45, the Office argues: “[o]ffsetting is inherently included in the teaching of spatial transformation (4:41-43), distortion and movement (5:16-17).” Applicant disagrees and submits that the Office has not substantiated this argument. Accordingly, the Office’s reliance on these excerpts is misplaced.

In addition, regarding claim 46, for the reasons set forth above with respect to claims 39 and 44-45, the Office’s reliance on Martin is misplaced.

Claim 49

Claim 49 recites a method of displaying a multi-media editing project comprising:

- receiving one or more parameters from a user, the parameters being associated with a multi-media editing project and relating to a transition that can be applied between two video clips in the project;
- selecting a bitmap having a structure that defines a first transition that can be used to transition between the video clips;
- operating upon the bitmap to provide a different structure defining a second transition that is different from the first transition by using the one or more parameters; and
- effecting the second transition between video clips,
- wherein said receiving comprises receiving parameters that define a range that, in turn, defines a border thickness of a border that is used in connection with the first-mentioned bitmap to effect the second transition, wherein said second transition completely replaces one video with another video.

In making out the rejection of this claim, the Office relies on the same argument that it made in rejecting claim 1. In addition, the Office argues: “[t]he system is configured to receive parameter(s) provided by the user to process the bitmap. The parameter(s) can be used to change the structure of the bitmap (4:41-58, 6:55-62)”.

Applicant is confused as to how that argument applies to this claim because this claim and claim 1 do not expressly recite the same subject matter. For instance, this claim recites “receiving one or more parameters from a user”, “selecting a bitmap”, operating on the bitmap “by using the one or more parameters”, and “wherein said receiving comprises receiving parameters that

define a range that, in turn, defines a border thickness of a border”, as claimed. As noted above, this type of common rejection is improper.

Nevertheless, Applicant has thoroughly scrutinized the Martin reference and submits that it simply fails to disclose or suggest all of the subject matter of this claim. For example, Martin does not mention a “selecting a bitmap” and “operating upon the bitmap”, as claimed. Furthermore and also noted above, Martin discusses using effects that can be implemented with respect to the *video/audio clip content itself*, not “receiving one or more parameters” and “using the one or more parameters”, as claimed here. Finally, there is simply no mention at all in Martin of “parameters that define a range that, in turn, defines a border thickness of a border”, as claimed.

Martin does not disclose or suggest all the subject matter of this claim. Furthermore, the Office has made an improper rejection. Accordingly, for at least these reasons, Applicant traverses this rejection and submits that this claim is allowable.

Claims 50 and 51

Claims 50 and 51 depend from claim 49 and are thus allowable as depending from an allowable base claim.

In addition, regarding claim 51, the Office argues:

(1) “the Effect bitmap can be replicated (4:33-34, 6:59-62).” These excerpts, however, make no mention of “an Effect bitmap” or of “replicating”.

(2) “[o]ffsetting is inherently included in the teaching of spatial transformation (4:41-43), distortion and movement (5:16-17).” Applicant disagrees and submits that the Office has not substantiated this argument.

(3) “[t]he system inherently includes means configured to provide a border (“edge”) in a transition defined by the special transformation and distortion”. Applicant disagrees and submits that the Office has not substantiated this argument.

Accordingly, the Office’s reliance on Martin is misplaced.

B. The rejections under 35 U.S.C. §103(a) over Martin and Kivolowitz fail because the Office has failed to establish a *prima facie* case of obviousness.

Applicant respectfully submits that the Office has not established a *prima facie* case of obviousness. The discussion below proceeds as follows. First, a section entitled “The § 103 Standard” is provided which describes the criteria that must be met in order to establish a *prima facie* case of obviousness. Second, a section entitled “The Claims” is provided which presents Applicant’s reasoning as to why the Office has not met these criteria.

The §103 Standard

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, *there must be some suggestion or motivation*, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, *to modify the reference or to combine reference teachings*. Second, there must be a reasonable expectation of success. Finally, *the prior art reference (or references when combined) must teach or suggest all the claim limitations*. The

teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Claims

Claim 1

Claim 1, reproduced above in full, recites a software-implemented video rendering system. In making out the rejection of this claim, the Office argues that even if Martin does not disclose a bitmap, Kivolowitz does. To support this argument, the Office cites to Column 1 (lines 55-56), Column 2 (lines 1-39), and the "Summary of Invention" of Kivolowitz. The Office then argues that it would have been obvious "to combine Kivolowitz's teaching of the special effect bitmap having structure to Martin."

Applicant respectfully traverses the Office's rejection and submits that the Office has failed to establish a *prima facie* case of obviousness. First Kivolowitz actually teaches away from using a bitmap structure, which directly contradicts the Office's contention. Specifically, Kivolowitz is directed toward systems and methods for defining and manipulating structures in 2 or 3 dimensional space. In this regard, it teaches using a specific structured object as an alternative to a bit-mapped image. (See e.g. Column 1, line 5 through Column 2, line 40, and Summary of the Invention). The very excerpts cited by the Office clearly point out the problems with using bit-mapped images and the advantages of using an

alternative image representation. These excerpts from Columns 1 and 2 are reproduced below for the Office's convenience (emphasis added):

Such compositing appears in video programs as special effects and transitions Such as wipes, fades, etc. ***One difficulty with using a bit-mapped image as a control image is that alpha compositing often involves an interpolation over time***, such as in transitions between cuts in a motion video sequence. That is, a control image used to combine one pair of frames to produce one frame in the motion video sequence is often different from control images used to produce other frames in the sequence. ***Additionally, if a bit-mapped control image created at a low resolution is then scaled to a higher resolution quantization found in the low resolution image produces artifacts in the higher resolution image.***

Another way to define a control image is by using a structured object. A structured object defines a control images typically in mathematical terms, by the structure of objects within the image. This definition may be a mathematical formula, such as an equation representing a curve, or geometric, such as coordinates of points and vectors representing directions and magnitudes. The structured object definition is interpreted to obtain control values for each pixel to be generated in a final image. When taken together these control values are similar to the set of control values obtained using, a bit-mapped image.

One benefit of structured definitions is that they can be scaled, animated or interpolated over time more easily than static definitions, such as a bit-mapped image. Another advantage of using structured objects is that the computational determination of whether one part of the image is either inside or outside a boundary of an object is relatively easy. Structured object definitions also are ***more amenable to scaling and simple manipulation like rotations, which simplifies the process of making some effects.*** However, structured objects to date have been used generally for simple operations on simple objects.

In image compositing, both bit-mapped images and structured object definitions generally are used for generating a control image that typically has control values either 0 or 1, where the changes between pixels in the image define edges. Usually the edges or boundaries are processed to provide a blending characteristic such that changes between source content in the resultant image do not occur disjointly over only one pixel. Rather, the control image is processed such that all edges have a gradual change,

typically a simple greyscale ramp. In the Kellar patent, this greyscale ramp is provided because of an artifact in processing input from a pen and tablet input device. Using structured objects, most prior art systems simply adjust values before and after an edge in a scanline.

A general aim of the invention is to provide an image representation, for a computer, which can represent more complex images and which is also readily manipulable.

As the above excerpts clearly show, Kivolowitz actually teaches against using a bitmap structure. Furthermore, and as discussed in detail above, Martin Simply fails to disclose “to ***automatically process*** the first bitmap to provide a ***different structure*** that provides a different transition between video clips”, as claimed. (emphasis added). In fact, in so far as Martin provides a system for allowing a user to ***manually*** edit clips, it teaches directly away from automatically processing, as claimed. Accordingly, not only do the cited references fail to teach or suggest all the subject matter of this claim, they actually teach directly away from it.

Second, Applicant respectfully reminds the Office that, as noted above, there must be some suggestion or motivation to combine the reference teachings. Here, the Office argues that Chapter 2 of Kivolowitz contains such a motivation. Specifically, the Office states that it would have been obvious to modify Martin with the teachings of Kivolowitz “***for the advantages of easy image manipulation expressly suggested by Kivolowitz et al (2:12-39).***” (emphasis added). However, this statement mischaracterizes Kivolowitz, which actually teaches that using bitmap images ***would not provide*** the “***advantages of easy image manipulation***”. Specifically, this excerpt states: “***One benefit of structured definitions is that they can be scaled, animated or interpolated over time more easily than static***

definitions, such as a bit-mapped image". (emphasis added). In other words, the Office's stated motivation directly contradicts the very excerpt from Kivolowitz that it relies on for support. As such, Applicant submits that there is simply no suggestion or motivation to combine the teachings of Kivolowitz with Martin.

In this regard, and perhaps more importantly, as the cited excerpts above clearly show, Kivolowitz teaches directly away from the combination proposed by the Office because it teaches against using a bitmap structure. Applicant respectfully reminds the Office that: "[i]t is improper to combine references where the references teach away from their combination." (*In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983), MPEP 2145(X)(D)).

In view of the above discussion, the Office has not established a *prima facie* case of obviousness and has made an improper rejection. Accordingly, for at least these reasons, Applicant traverses this rejection and submits that this claim is allowable.

Claims 2-11

Claims 2-11 depend from claim 1 and are thus allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those of claim 1, are neither disclosed nor suggested by the reference of record.

In addition, regarding claims 2 and 3, the Office cites Columns 2 and 3 of Kivolowitz and argues: "the Effect bitmap is processed to provide a second Effect bitmap that is different from the first bitmap, to render a different transition".

These excerpts, however, simply do not disclose this and, as noted above, actually teach away from using a bitmap.

In addition, regarding claim 7, the Office cites Kivolowitz's "Summary of Invention" and argues: "[t]he system inherently includes means configured to provide a border ("edge") in a transition defined by the special transformation and distortion". Applicant disagrees and submits that the Office has not substantiated this argument. Accordingly, the Office's reliance on Kivolowitz is misplaced.

In addition, regarding claim 8, for the reasons set forth above, the Office's reliance on Kivolowitz is misplaced.

In addition, regarding claims 9 and 10, the Office cites Kivolowitz's "summary of invention" and argues: "[t]he system is configured to receive parameter(s) provided by the user to process the bitmap. The parameter(s) can be used to change the structure of the bitmap". Applicant disagrees and submits that the Office has mischaracterized the Kivolowitz reference, which fails to disclose or suggest this subject matter.

Claim 12

Claim 12, reproduced above in full, recites a method of displaying a video. In making out the rejection of this claim, the Office relies on the same argument that it made in rejecting claim 1. However, as discussed above, that argument is not applicable to this claim because this claim does not expressly recite the same subject matter as claim 1. Accordingly, Applicant respectfully submits that this rejection is improper.

Nevertheless, as discussed immediately above with respect to claim 1, the Office has failed to establish a *prima facie* case of obviousness. First Kivolowitz actually teaches away from using a bitmap structure, which directly contradicts the Office's contention. Additionally, Applicant has thoroughly scrutinized the Martin reference and submits that, as noted above, it simply fails to disclose or suggest all of the other subject matter of this claim.

Second, the Office's stated motivation directly contradicts the very excerpt from Kivolowitz that it relies on for support. As such, Applicant submits that there is simply no suggestion or motivation to combine the teachings of Kivolowitz with Martin. In this regard, and perhaps more importantly, Kivolowitz teaches directly away from this combination because it teaches against using a bitmap structure.

In view of the above discussion, the Office has not established a *prima facie* case of obviousness and has made an improper rejection. Accordingly, for at least these reasons, Applicant traverses this rejection and submits that this claim is allowable.

Claims 13-22

Claims 13-22 depend from claim 12 and are thus allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those of claim 12, are neither disclosed nor suggested by the reference of record.

In addition, regarding claim 13, the Office cites Columns 2 and 3 of Kivolowitz and argues: "the Effect bitmap is processed to provide a second Effect bitmap that is different from the first bitmap, to render a different transition".

These excerpts, however, simply do not disclose this and, as noted above, actually teach away from using a bitmap.

In addition, regarding claim 19, the Office cites Kivolowitz's "Summary of Invention" and argues: "[t]he system inherently includes means configured to provide a border ("edge") in a transition defined by the special transformation and distortion". Applicant disagrees and submits that the Office has not substantiated this argument. Accordingly, the Office's reliance on Kivolowitz is misplaced.

In addition, regarding claim 20, for the reasons set forth above, the Office's reliance on Kivolowitz is misplaced.

Claim 23

Claim 23, reproduced above in full, recites a method of displaying a multi-media editing project. In making out the rejection of this claim, the Office relies on the same argument that it made in rejecting claim 1. However, as discussed above, Applicant is confused as to how that argument applies to this claim because this claim and claim 1 do not expressly recite the same subject matter.

Accordingly, Applicant respectfully submits that this rejection is improper.

Nevertheless, as discussed immediately above with respect to claim 1, the Office has failed to establish a *prima facie* case of obviousness. First Kivolowitz actually teaches directly away from using a bitmap structure, which is directly contrary to the Office's contention. Additionally, Applicant has thoroughly scrutinized the Martin reference and submits that, as noted above, it simply fails to disclose or suggest all of the other subject matter of this claim.

Second, the Office's stated motivation directly contradicts the very excerpt from Kivolowitz that it relies on for support. As such, Applicant submits that there is simply no suggestion or motivation to combine the teachings of Kivolowitz with Martin. In this regard, and perhaps more importantly, Kivolowitz teaches directly away from this combination because it teaches against using a bitmap structure.

In view of the above discussion, the Office has not established a *prima facie* case of obviousness and has made an improper rejection. Accordingly, for at least these reasons, Applicant traverses this rejection and submits that this claim is allowable.

Claims 24 and 25

Claims 24 and 25 depend from claim 23 and are thus allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those of claim 23, are neither disclosed nor suggested by the reference of record.

In addition, regarding claim 24, the Office cites Columns 2 and 3 of Kivolowitz and argues: "the Effect bitmap is processed to provide a second Effect bitmap that is different from the first bitmap, to render a different transition". These excerpts, however, simply do not disclose this and, as noted above, actually teach away from using a bitmap.

In addition, regarding claim 25, for the reasons set forth above, the Office's reliance on Kivolowitz is misplaced.

Claim 27

Claim 27, reproduced above in full, recites one or more computer-readable media having computer-readable instructions thereon which, when executed by a computer, cause the computer to “select”, “operate” and “use”, as claimed. In making out the rejection of this claim, the Office relies on the same argument that it made in rejecting claim 1. However, as discussed above, that argument is not applicable to this claim because this claim does not expressly recite the same subject matter as claim 1. Accordingly, Applicant respectfully submits that this rejection is improper.

Nevertheless, as discussed immediately above with respect to claim 1, the Office has failed to establish a *prima facie* case of obviousness. First Kivolowitz actually teaches away from using a bitmap structure, which directly contradicts the Office’s contention. Additionally, Applicant has thoroughly scrutinized the Martin reference and submits that, as noted above, it simply fails to disclose or suggest all of the other subject matter of this claim.

Second, the Office’s stated motivation directly contradicts the very excerpt from Kivolowitz that it relies on for support. As such, Applicant submits that there is simply no suggestion or motivation to combine the teachings of Kivolowitz with Martin. In this regard, and perhaps more importantly, Kivolowitz teaches directly away from this combination because it teaches against using a bitmap structure.

In view of the above discussion, the Office has not established a *prima facie* case of obviousness and has made an improper rejection. Accordingly, for at

least these reasons, Applicant traverses this rejection and submits that this claim is allowable.

Claim 28

Claim 28, reproduced above in full, recites a software-implemented method of displaying a multi-media editing project. In making out the rejection of this claim, the Office relies on the same argument that it made in rejecting claim 1. However, as discussed above, that argument is not applicable to this claim because this claim does not expressly recite the same subject matter as claim 1.

Accordingly, Applicant respectfully submits that this rejection is improper.

Nevertheless, as discussed immediately above with respect to claim 1, the Office has failed to establish a *prima facie* case of obviousness. First Kivolowitz actually teaches away from using a bitmap structure, which directly contradicts the Office's contention. Additionally, Applicant has thoroughly scrutinized the Martin reference and submits that, as noted above, it simply fails to disclose or suggest all of the other subject matter of this claim.

Second, the Office's stated motivation directly contradicts the very excerpt from Kivolowitz that it relies on for support. As such, Applicant submits that there is simply no suggestion or motivation to combine the teachings of Kivolowitz with Martin. In this regard, and perhaps more importantly, Kivolowitz teaches directly away from this combination because it teaches against using a bitmap structure.

In view of the above discussion, the Office has not established a *prima facie* case of obviousness and has made an improper rejection. Accordingly, for at

least these reasons, Applicant traverses this rejection and submits that this claim is allowable.

Claim 29

Claim 29 depends from claim 28 and is thus allowable as depending from an allowable base claim. This claim is also allowable for its own recited features which, in combination with those of claim 28, are neither disclosed nor suggested by the reference of record.

Claim 30

Claim 30, reproduced above in full, recites a multi-media project editing system. In making out the rejection of this claim, the Office relies on the same argument that it made in rejecting claim 1. However, as discussed above, that argument is not applicable to this claim because this claim does not expressly recite the same subject matter as claim 1. Accordingly, Applicant respectfully submits that this rejection is improper.

Nevertheless, as discussed immediately above with respect to claim 1, the Office has failed to establish a *prima facie* case of obviousness. First Kivolowitz actually teaches away from using a bitmap structure, which directly contradicts the Office's contention. Additionally, Applicant has thoroughly scrutinized the Martin reference and submits that, as noted above, it simply fails to disclose or suggest all of the other subject matter of this claim.

Second, the Office's stated motivation directly contradicts the very excerpt from Kivolowitz that it relies on for support. As such, Applicant submits that

there is simply no suggestion or motivation to combine the teachings of Kivolowitz with Martin. In this regard, and perhaps more importantly, Kivolowitz teaches directly away from this combination because it teaches against using a bitmap structure.

In view of the above discussion, the Office has not established a *prima facie* case of obviousness and has made an improper rejection. Accordingly, for at least these reasons, Applicant traverses this rejection and submits that this claim is allowable.

Claims 31-38

Claims 31-38 depend from claim 30 and are thus allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those of claim 30, are neither disclosed nor suggested by the reference of record.

In addition, regarding claim 31, the Office cites Columns 2 and 3 of Kivolowitz and argues: "the Effect bitmap is processed to provide a second Effect bitmap that is different from the first bitmap, to render a different transition". These excerpts, however, simply do not disclose this and, as noted above, actually teach away from using a bitmap.

In addition, regarding claim 38, the Office cites Kivolowitz's "Summary of Invention" and argues: "[t]he system inherently includes means configured to provide a border ("edge") in a transition defined by the special transformation and distortion". Applicant disagrees and submits that the Office has not substantiated this argument. Accordingly, the Office's reliance on Kivolowitz is misplaced.

Claim 39

Claim 39, reproduced above in full, recites a method of displaying a multimedia editing project. In making out the rejection of this claim, the Office relies on the same argument that it made in rejecting claim 1. However, as discussed above, that argument is not applicable to this claim because this claim does not expressly recite the same subject matter as claim 1. Accordingly, Applicant respectfully submits that this rejection is improper.

Nevertheless, as discussed immediately above with respect to claim 1, the Office has failed to establish a *prima facie* case of obviousness. First Kivolowitz actually teaches away from using a bitmap structure, which directly contradicts the Office's contention. Additionally, Applicant has thoroughly scrutinized the Martin reference and submits that, as noted above, it simply fails to disclose or suggest all of the other subject matter of this claim.

Second, the Office's stated motivation directly contradicts the very excerpt from Kivolowitz that it relies on for support. As such, Applicant submits that there is simply no suggestion or motivation to combine the teachings of Kivolowitz with Martin. In this regard, and perhaps more importantly, Kivolowitz teaches directly away from this combination because it teaches against using a bitmap structure.

In view of the above discussion, the Office has not established a *prima facie* case of obviousness and has made an improper rejection. Accordingly, for at least these reasons, Applicant traverses this rejection and submits that this claim is allowable.

Claims 40-48

Claims 40-48 depend from claim 39 and are thus allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those of claim 39, are neither disclosed nor suggested by the reference of record.

In addition, regarding claim 40, the Office cites Kivolowitz's "Summary of Invention" and argues: "[t]he system is configured to receive parameter(s) provided by the user to process the bitmap. The parameter(s) can be used to change the structure of the bitmap". Applicant disagrees and submits that the Office has mischaracterized the Kivolowitz reference, which fails to disclose or suggest this subject matter.

In addition, regarding claim 46, for the reasons set forth above, the Office's reliance on Kivolowitz is misplaced.

Claim 49

Claim 49, reproduced above in full, recites a method of displaying a multimedia editing project. In making out the rejection of this claim, the Office relies on the same argument that it made in rejecting claim 1. However, as discussed above, that argument is not applicable to this claim because this claim does not expressly recite the same subject matter as claim 1. Accordingly, Applicant respectfully submits that this rejection is improper.

Nevertheless, as discussed immediately above with respect to claim 1, the Office has failed to establish a *prima facie* case of obviousness. First Kivolowitz actually teaches away from using a bitmap structure, which directly contrabandists

the Office's contention. Additionally, Applicant has thoroughly scrutinized the Martin reference and submits that, as noted above, it simply fails to disclose or suggest all of the other subject matter of this claim.

Second, the Office's stated motivation directly contradicts the very excerpt from Kivolowitz that it relies on for support. As such, Applicant submits that there is simply no suggestion or motivation to combine the teachings of Kivolowitz with Martin. In this regard, and perhaps more importantly, Kivolowitz teaches directly away from this combination because it teaches against using a bitmap structure.

In view of the above discussion, the Office has not established a *prima facie* case of obviousness and has made an improper rejection. Accordingly, for at least these reasons, Applicant traverses this rejection and submits that this claim is allowable.

Claims 50 and 51

Claims 50 and 51 depend from claim 49 and are thus allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those of claim 49, are neither disclosed nor suggested by the reference of record.

In addition, regarding claim 50, the Office cites Columns 2 and 3 of Kivolowitz and argues: "the Effect bitmap is processed to provide a second Effect bitmap that is different from the first bitmap, to render a different transition". These excerpts, however, simply do not disclose this and, as noted above, actually teach away from using a bitmap.

In addition, regarding claim 51, for the reasons set forth above, the Office's reliance on Kivolowitz is misplaced.

Conclusion

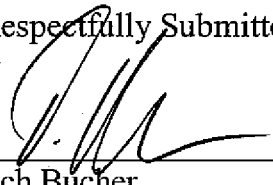
The Office has not established that the claims are anticipated and has failed to establish a *prima facie* case of obviousness. Accordingly, Applicant respectfully requests that the rejections be overturned and that the pending claims be allowed to issue.

Dated: _____

06/06/2006

Respectfully Submitted,

By: _____


Rich Bucher
Lee & Hayes, PLLC
Reg. No. 57,971
(509) 324-9256 ext. 216

(8) Appendix of Appealed Claims

1. (Previously Presented) A software-implemented video rendering system comprising:

a video application configured to enable a user to combine multiple different video clips; and

a bitmap processor operatively coupled with the video application and configured to receive a first bitmap having a structure that can be used to render a first transition between video clips and automatically process the first bitmap to provide a different structure that provides a different transition between video clips, wherein the first bitmap does not comprise video clip content, and wherein the transitions are configured to enable one video clip to completely replace another video clip.

2. (Original) The software-implemented video rendering system of claim 1, wherein the bitmap processor is configured to process the first bitmap to provide a second bitmap that is different from the first bitmap, the second bitmap being configured to render the different transition.

3. (Original) The software-implemented video rendering system of claim 1, wherein the bitmap processor comprises multiple modules each of which being configured to operate upon the first bitmap to provide either or both of (1) a different bitmap or (2) a transition that is different from the transition provided by the first bitmap.

4. (Previously Presented) The software-implemented video rendering system of claim 3, wherein one of the modules comprises a shrinking and stretching module that is configured to shrink or stretch, respectively, the first bitmap.

5. (Original) The software-implemented video rendering system of claim 3, wherein one of the modules comprises a replication module that is configured to replicate the first bitmap.

6. (Original) The software-implemented video rendering system of claim 3, wherein one of the modules comprises an offset module that is configured to provide a transition that is offset from a transition provided by the first bitmap.

7. (Original) The software-implemented video rendering system of claim 3, wherein one of the modules comprises a border module that is configured to provide a border in a transition defined by the first bitmap.

8. (Previously Presented) The software-implemented video rendering system of claim 3, wherein the one or more modules comprise modules selected from a group consisting of:

a shrinking and stretching module that is configured to shrink or stretch, respectively, the first bitmap;

a replication module that is configured to replicate the first bitmap;

an offset module that is configured to provide a transition that is offset from a transition provided by the first bitmap; and

a border module that is configured to provide a border in a transition defined by the first bitmap.

9. (Original) The software-implemented video rendering system of claim 1, wherein the bitmap processor is configured to receive one or more parameters provided by a user and use those parameters to process the first bitmap.

10. (Original) The software-implemented video rendering system of claim 9, wherein the bitmap processor is configured to use the one or more parameters to change the structure of the first bitmap.

11. (Original) Computer-readable media having software code that implements the video rendering system of claim 1.

12. (Previously Presented) A method of displaying a video comprising:
selecting a bitmap having a structure that defines a first transition that can be used to transition between video clips;

operating upon the bitmap to provide a second structure that provides a second transition that is different from the first transition by using one or more parameters that are provided by a user, the parameters being used to operate upon the bitmap; and

effecting the second transition between video clips, wherein said effecting comprises completely replacing one video clip with another video clip.

13. (Original) The method of claim 12, wherein said operating comprises providing a second bitmap that is different from the first-mentioned bitmap.

14. (Original) The method of claim 12, wherein said operating comprises stretching the first-mentioned bitmap.

15. (Original) The method of claim 12, wherein said operating comprises shrinking the first-mentioned bitmap.

16. (Original) The method of claim 12, wherein said operating comprises at least one of stretching and shrinking the first-mentioned bitmap.

17. (Original) The method of claim 12, wherein said operating comprises replicating the first-mentioned bitmap.

18. (Original) The method of claim 12, wherein said operating comprises offsetting the first-mentioned bitmap.

19. (Original) The method of claim 12, wherein said operating comprises providing a border that is used in connection with the first-mentioned bitmap to effect the second transition.

20. (Original) The method of claim 12, wherein said operating comprises one or more of:

stretching the first-mentioned bitmap;

shrinking the first-mentioned bitmap;

replicating the first-mentioned bitmap;

offsetting the first-mentioned bitmap; and

providing a border that is used in connection with the first-mentioned bitmap to effect the second transition.

21. (Previously Presented) A video application embodied on a computer-readable medium that is programmed to implement the method of claim 12.

22. (Original) One or more computer-readable media having computer-readable instructions thereon which, when executed by a computer, implement the method of claim 12.

23. (Previously Presented) A method of displaying a multi-media editing project comprising:

receiving one or more parameters from a user, the parameters being associated with a multi-media editing project and relating to a transition that can be applied between two video clips in the project;

selecting a bitmap having a structure that defines a first transition that can be used to transition between the video clips;

operating upon the bitmap to provide a different structure that defines a second transition that is different from the first transition by using the one or more parameters; and

effecting the second transition between video clips, wherein said effecting comprises completely replacing one video clip with another video clip.

24. (Original) The method of claim 23, wherein said operating comprises providing a second bitmap that is different from the first-mentioned bitmap.

25. (Original) The method of claim 23, wherein said operating comprises one or more of: stretching the first-mentioned bitmap, shrinking the first-mentioned bitmap, replicating the first-mentioned bitmap, offsetting the first-mentioned bitmap, and providing a border that is used in connection with the first-mentioned bitmap to effect the second transition.

26. (Canceled).

27. (Previously Presented) One or more computer-readable media having computer-readable instructions thereon which, when executed by a computer, cause the computer to:

select a first bitmap having a structure that defines a transition that can be applied between two video clips in a video editing project;

operate upon the first bitmap to provide a second bitmap having a second structure that is different from the structure of the first bitmap by using one or more parameters that are provided by a user, the first bitmap being operated upon by operations comprising one or more of the following operations: stretching, shrinking, replicating, and offsetting; and

use the second bitmap in a transition between at least two videos, wherein said transition completely replaces one video with another video.

28. (Previously Presented) A software-implemented method of displaying a multi-media editing project comprising:

providing a user interface (UI) through which a user can enter one or more parameters that can be used to manipulate a bitmap-defined transition;

receiving one or more parameters that are entered by a user via the UI;

selecting a first bitmap having a structure that defines a transition and is associated with the one or more parameters entered by the user;

automatically operating upon the first bitmap to provide a second bitmap having a different structure that defines a transition that is different from the transition defined by the first bitmap by using the one or more parameters that are provided by a user, said operating comprising performing one or more of the

following operations on the first bitmap: stretching, shrinking, replicating, and offsetting; and

using the second bitmap in a transition between at least two videos, wherein said transition completely replaces one video with another video.

29. (Previously Presented) A multi-media project editing application embodied on a computer readable medium programmed to implement the method of claim 28.

30. (Previously Presented) A multi-media project editing system comprising:

a software implemented bitmap processor configured for use in connection with a multi-media editing application to effect a transition between different videos, the bitmap processor being configured to:

receive one or more parameters from a user;

select a first bitmap having a structure that defines a first transition between two videos;

operate upon the first bitmap in accordance with the one or more parameters to provide a different structure that defines a second transition that is different from the first transition; and

apply the second transition between two videos, wherein said second transition completely replaces one video with another video.

31. (Original) The multi-media project editing system of claim 30, wherein the bitmap processor operates upon the first bitmap to provide a second bitmap that defines the second transition.

32. (Original) The multi-media project editing system of claim 31, wherein the bitmap processor is configured to rescale the second bitmap so that it contains a predetermined number of gray scale values.

33. (Original) The multi-media project editing system of claim 31, wherein the bitmap processor can operate upon the first bitmap by stretching the first bitmap.

34. (Original) The multi-media project editing system of claim 31, wherein the bitmap processor can operate upon the first bitmap by shrinking the first bitmap.

35. (Original) The multi-media project editing system of claim 31, wherein the bitmap processor can operate upon the first bitmap by stretching or shrinking the first bitmap.

36. (Original) The multi-media project editing system of claim 31, wherein the bitmap processor can operate upon the first bitmap by replicating the first bitmap.

37. (Original) The multi-media project editing system of claim 31, wherein the bitmap processor can operate upon the first bitmap by offsetting the first bitmap.

38. (Original) The multi-media project editing system of claim 30, wherein the bitmap processor can operate upon the first bitmap to provide a border within a transition that is defined by the first bitmap.

39. (Previously Presented) A method of displaying a multi-media editing project comprising:

selecting a first bitmap having a structure comprising multiple pixels, each pixel being capable of having one of a number of predetermined of gray scale values, the first bitmap defining a transition between two videos in a multi-media editing project;

operating upon the selected first bitmap to provide a second bitmap having a second structure that is different from the first bitmap by using one or more parameters that are provided by a user, the second bit map defining a different transition;

rescaling the second bitmap to ensure that pixels of the second bit map have, collectively, all of the predetermined gray scale values; and

using the second bitmap in a transition between at least two videos, wherein said transition completely replaces one video with another video.

40. (Original) The method of claim 39 further comprising receiving one or more parameters specified by a user.

41. (Original) The method of claim 39, wherein said operating comprises stretching the selected bitmap.

42. (Original) The method of claim 39, wherein said operating comprises shrinking the selected bitmap.

43. (Original) The method of claim 39, wherein said operating comprises at least one of stretching or shrinking the selected bitmap.

44. (Original) The method of claim 39, wherein said operating comprises replicating the selected bitmap.

45. (Original) The method of claim 39, wherein said operating comprises offsetting the selected bitmap.

46. (Original) The method of claim 39, wherein said operating comprises one or more of: stretching the selected bitmap, shrinking the selected bitmap, replicating the selected bitmap, and offsetting the selected bitmap.

47. (Previously Presented) A multi-media project editing application embodied on a computer readable medium and programmed to implement the method of claim 39.

48. (Original) One or more computer-readable media having computer-readable instructions thereon which, when executed by a computer, implement the method of claim 39.

49. (Previously Presented) A method of displaying a multi-media editing project comprising:

receiving one or more parameters from a user, the parameters being associated with a multi-media editing project and relating to a transition that can be applied between two video clips in the project;

selecting a bitmap having a structure that defines a first transition that can be used to transition between the video clips;

operating upon the bitmap to provide a different structure defining a second transition that is different from the first transition by using the one or more parameters; and

effecting the second transition between video clips, wherein said receiving comprises receiving parameters that define a range that, in turn, defines a border thickness of a border that is used in connection with the first-mentioned bitmap to effect the second transition,

wherein said second transition completely replaces one video with another video.

50. (Previously Presented) The method of claim 49, wherein said operating comprises providing a second bitmap that is different from the first-mentioned bitmap.

51. (Previously Presented) The method of claim 49, wherein said operating comprises one or more of: stretching the first-mentioned bitmap, shrinking the first-mentioned bitmap, replicating the first-mentioned bitmap, offsetting the first-mentioned bitmap, and providing a border that is used in connection with the first-mentioned bitmap to effect the second transition.

(9) Evidence appendix. None

(10) Related proceedings appendix. None